

NOV 03 2005



FAX COVER SHEET

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Date:	November 3, 2005		
To:	Commissioner for Patents	Fax:	(571) 273-8300
From:	Patricia Powell	Fax:	(901) 867-4398
Number of pages including cover sheet:	14	Phone:	(901) 867-4542

Certificate of Transmission

Application No.: 10/691,143 Art Unit: 3732
Filed: October 21, 2003 Our Ref.: 702.153
For: Acetabular Impactor Examiner: Annette R. Reimers
To: Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

I hereby certify that the following correspondence is being facsimile transmitted to the Patent and Trademark Office on this 3rd day of November, 2005.

Petition to Accord Filing Date to Facsimile Correspondence Never Received (37 CFR 1.8(b))
Exhibit A - Amendment filed via facsimile August 3, 2005

By: 

Patricia Powell

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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

APPLICANT: Stephen B. Murphy
SERIAL NO.: 10/691,143
FILING DATE: October 21, 2003
EXAMINER: Annette R. Reimers
ART UNIT: 3732
ATTY. DOC. NO.: 702.153
TITLE: "ACETABULAR IMPACTOR"

* * * * *

FILED VIA FACSIMILE (571-273-8300)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO ACCORD FILING DATE TO FACSIMILE
CORRESPONDENCE NEVER RECEIVED (37 CFR 1.8(b))**

Pursuant to 37 CFR 1.8(b), applicant respectfully requests that the Commissioner consider applicants' response to the May 4, 2005 office action as having been filed on August 3, 2005, the date on which applicant filed its response by facsimile.

On May 4, 2005, the Patent Office mailed an office action. On August 3, 2005, applicant timely filed a response to the May 4, 2005 office action. (Exhibit A). Applicant filed its response by facsimile, using the appropriate fax number and the facsimile procedure authorized by 37 CFR 1.6. (Exhibit A). After applicant filed its response, the Commissioner sent applicant an "Auto-Reply Facsimile Transmission" confirming that applicant's response had been received on August 3, 2005. (Exhibit A)

SN 10/691,143

On November 3, 2005, Examiner Annette R. Reimers called to inform applicant that a response to the May 4, 2005 office action had not been received and that the application was about to go abandoned.

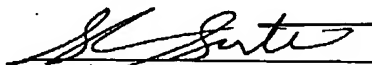
In accordance with 37 CFR 1.8(b)(1), by promptly filing this petition, applicant has fulfilled its duty to inform the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence.

In accordance with 37 CFR 1.8(b)(2), applicant has supplied, in form of Exhibit A, an additional copy of the previously mailed or transmitted correspondence and certificate.

In accordance with 37 CFR 1.8(b)(3), undersigned attests on a personal knowledge basis that applicant timely transmitted the response set forth in Exhibit A by facsimile on August 3, 2005. In support of this attestation/statement, applicant relies upon the sending unit's report confirming transmission, which is contained in Exhibit A.

It is believed that no fees are due, but if any fees or credits are due, the Commissioner is authorized to charge or deposit them to Deposit Account No. 502795.

Respectfully submitted,



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Dated: Nov. 3, 2005